

LARS T. FULLER (No. 141270)
SAM TAHERIAN (No. 170953)
JOYCE K. LAU (No. 267839)
THE FULLER LAW FIRM, P.C.
60 No. Keeble Ave.
San Jose, CA 95126
Tel: (408) 295-5595
Fax: (408) 295-9852

Attorney for Defendant/Debtor
RAINAHUYNH

**U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In Re:

RAINA HUYNH and
STEVEN SCOTT GILLE

Debtors

DISCOVER BANK, ISSUER OF THE
DISCOVER CARD and CHASE BANK
USA, N.A.

Plaintiff

Vs.

RAINA HUYNH

Defendant

) Case No.: 10-59407-SLJ

)

) Adv Case No. 10-05391

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) CHAPTER 7

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) **DEFENDANT'S CASE MANAGEMENT**

) **CONFERENCE STATEMENT**

)

) Date: February 24, 2011

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) Time: 2:00 PM

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) Address:

) 280 South First Street, Room 3099

) San Jose, CA 95113

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) Judge: Hon. Johnson

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Comes Now Defendant/Debtor Raina Huynh by and through The Fuller Law Firm, P.C., her attorneys, and submits this Case Management Conference Statement.

Factual & Procedural Overview

- 1 1. Plaintiff Discover Bank, Issuer of the Discover Card filed a complaint to determine
2 the dischargeability of debt and for judgment pursuant to 11 U.S.C. §523 on
3 November 23, 2010. Plaintiff Discover Bank, Issuer of the Discover Card alleged
4 that Defendant incurred \$10,500 in cash advance and/or convenience check charges
5 between March 16, 2010 and March 17, 2010. It alleged that it has suffered damages
6 in the amount of \$10,500.00 and Defendant should not be granted a discharge of this
7 debt pursuant to 11 U.S.C. §523(a)(2).
- 8 2. Plaintiff Chase Bank U.S.A., N.A., filed an amended complaint together with
9 Discover Bank, Issuer of the Discover Card to determine the dischargeability of debt
10 and for judgment pursuant to 11 U.S.C. §523 on November 24, 2010. Plaintiff Chase
11 Bank U.S.A., N.A. alleged that Defendant accumulated \$9,972 in retail charges
12 between March 1, 2010 and July 8, 2010.
- 13 3. Defendant Raina Huynh filed an amended answer to complaint on February 4, 2011.
14 4. In her answer, Defendant Raina Huynh denied the allegations with respect to (1) her
15 lack of intent to repay the debts; (2) that she was cognizant of her inability to repay
16 the charges incurred; (3) that she had a specific intent to defraud Plaintiff Discover
17 Bank, Issuer of the Discover Card and Plaintiff Chase Bank U.S.A., N.A., and (4)
18 that she intended for both Plaintiffs to rely on her misrepresentations. Further,
19 Defendant Raina Huynh alleged that the most of the charges were made beyond the
20 preference period.

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22 Request

23 Defendant requests that discovery be cut off on May 31, 2011. Defendant requests that
24 the court set a motion cut-off date as June 30, 2011. Defendant expects that trial will
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1 take approximately six hours and requests that the trial be held in July 2011. Defendant
2 believes that a continued Case Management Conference will not be fruitful.
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5 Dated: February 21, 2011

6 THE FULLER LAW FIRM, P.C.

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8 By: /s/ Joyce K. Lau
9 JOYCE K. LAU
10 Attorney for Defendant/Debtor
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